

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Larry Coats on March 19, 2009.

The application has been amended as follows:

In the Claims:

In claim 1, line 1, after "comprising a", insert --biomaterial source in communication with a --; after "heater tube" in the last line, insert the following:

--wherein the spiral shaped element is fixed relative to the heater tube--.

Delete claims 33 and 36.

In claim 34, line 1 replace "33" with -11-.

In claim 37, line 1, replace "36" with -35-.

In the Title:

Delete "and Method".

Examiner's Reasons for Allowance

2. The following is an examiner's statement of reasons for allowance:

With the exception of GB 424236, the prior art neither discloses nor teaches a system wherein a heat tube for a heating element for heating a biomaterial stream conveyed through the heater tube. Except for GB 424236, all of the prior art of record

discloses supplying direct heating (e.g. steam) to the material within a tube wherein the heating is not achieved via the heater tube itself. There is no motivation for modifying same to heating the tube contents via the tube itself as each of these references requires direct contact of the material with steam. As for GB 424236, although same includes heating of material passed through a tube wherein part of the heating is achieved via steam passing outside and adjacent to said tube (see path of 4 along the bottom of the tube, Fig. 1), the spiral structure within the tube is not stationary as called for in the instant claims. Quite the contrary, the spiral mechanism within the tube of GB 424236 facilitates conveyance of the material through the tube, and it would not have been obvious to one having ordinary skill in the art at the time of the invention to have modified same such that the spiral mechanism remains stationary; the device of GB 424236 would not be able to function as intended therein.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anthony Weier whose telephone number is 571-272-1409. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Keith Hendricks can be reached on 571-272-1401. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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March 23, 2009